



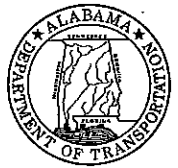
ALABAMA DEPARTMENT OF TRANSPORTATION

Bureau of County Transportation

1409 Coliseum Blvd., Montgomery, Alabama 36110-2060

Phone: (334) 242-6206 FAX: (334) 353-6530

Internet: <http://www.dot.state.al.us>



Bob Riley
Governor

Joe McInnes
Transportation Director

August 22, 2008

MEMORANDUM 2008-17

TO: County Engineers

CC: Division Engineers and Division County Transportation Engineers

FROM:

D.E. (Ed) Phillips, Jr., State County Transportation Engineer

REFERENCE: Division Right-Of-Way Certification

Please find attached correspondence from Mr. Mark Bartlett, FHWA Alabama Division Administrator, requesting that the Division Right-Of-Way Engineer co-sign the right-of-way certifications assuring that local public agencies follow the Uniform Act when acquiring ROW on federal-aid projects. Therefore, please find attached a new example of the Right-Of-Way Certification for your use. Please use this new form on all future federal-aid projects.

Should you have any questions in regards to this matter, please feel free to contact me at (334) 242-6203.

DEP/dep
Attachment

pc: Mr. Joe McInnes, Transportation Director
Mr. D.W. Vaughn, Chief Engineer/Deputy Director
Mr. Don T. Arkle, Assistant Chief Engineer, Policy & Planning
Mr. Paul Bowlin, Chief, Right-Of-Way Bureau
Mr. Buddy Sharpless, ACCA
File



U.S. Department
of Transportation
**Federal Highway
Administration**

Alabama Division

August 5, 2008

500 Eastern Blvd., Suite 200
Montgomery, AL 36117-2018

In Reply Refer To:
HDA-AL

Mr. D. J. McInnes
Director
Alabama Department of Transportation
Montgomery, Alabama

Subject: Request to modify Right-of-Way Certifications for Local
Public Agency Federal-aid Projects

Dear Mr. McInnes:

As a quality assurance measure for assuring that local public agencies are following the Uniform Act when acquiring ROW on federal-aid projects, we request that the Right-of-Way certification letters for county projects be modified. It is advisable that the Division Office Right-of-Way Engineer should co-sign the right-of way certifications in a signature block next to the signature block of the County Engineer. We must assure that the 23 CFR 635 and 49 CFR 24 has been complied with for these projects before a project will be cleared for letting.

Local public agencies must follow the State and Federal regulations in projects where Federal-aid is used in any phase of a Federal-aid project. Regulatory citations pertaining to State assurances include 49 CFR 24.4; Section 201, 301, 302 and 305 of the Uniform Act (42 USC 4601(5)). The State is ultimately responsible for the acquisition activities of local acquiring agencies on Federal-aid projects. Please note in the regulations that local or State governments, special districts, authorities, and municipal corporations, are considered an "association" which is defined under the definition of "person" in 23 CFR 24.2 (21), in addition to Section 101(5) of the Uniform Act (42 USC 4601(5)).

Please contact Christian Christoffers, Realty Specialist, at 334-223-7378, if you have any questions regarding this matter.

Sincerely yours,

for: Mark D. Bartlett, P. E.
Division Administrator

cc:
Paul Bowlin
Ed Phillips
Mack Lovelady

**MOVING THE
AMERICAN
ECONOMY**



RIGHT-OF-WAY CERTIFICATION- EXAMPLE

(Date)

Mr. _____
State County Transportation Engineer
Alabama Department of Transportation
1409 Coliseum Boulevard
Montgomery, AL 36110-2060

Dear Sir:

RE: Project No. _____
County No. _____
County _____

I hereby certify that _____ County has complied with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Regulations for Federally Assisted Programs for the above referenced project as contained in 49 CFR, Part 24 (Code of Federal Regulations) and the "Authorization" provisions as contained in 23 CFR, Part 635.309(c).

There was/were _____ property owner(s).

1. ☐ Donated
2. ☐ Purchased (Total Price \$ _____)
3. ☐ Condemned (Total Price \$ _____)
4. ☐ Administrative Settlement [Above initial offer (See 49 CFR, Part 24.102(i))]
(Total Price \$ _____)
5. Total Compensation (Line Items 2 – 4)
\$ _____

Your approval of this certification is hereby requested in order that we may proceed with advertisements for bids for physical construction of this project.

Signed _____
Title _____
(County Engineer,
Chairman – County Commission,
Or Judge of Probate)

Signed _____
ALDOT Division Right-of-Way
Acquisition Manager